

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Criminal No: 1:18-02945-WJ

HUJRAH WAHHAJ,

Defendant.

**DEFENDANT HUJRAH WAHHAJ'S
OBJECTIONS TO PRESENTENCE INVESTIGATION REPORT**

Defendant HUJRAH WAHHAJ objects to the Identifying Data, as well as Paragraphs 15, 16, 22, 28 and 31, of the Presentence Investigation Report ("PSR") [Doc 1096] because they incorrectly state the facts and/or the evidence presented at trial. In support of these Objections, the Defendant STATES:

1. The PSR in this matter was disclosed on January 31, 2024. [Doc 1096].
2. Page 3 of the PSR incorrectly lists the age of Ms. Wahhaj, as she is now 43 years old.
3. Page 3 of the PSR incorrectly lists the number of Ms. Wahhaj's Dependents, as she has one daughter.
4. Prior to filing the PSR, the United States Probation officer gathered input from the parties regarding the language of the Offense Summary contained therein at Paragraphs 6 through 32.
5. Nonetheless, Defendant Hujrah Wahhaj objects to the manner in which some of the Offense Summary is worded, as described below:
6. Paragraph 8

- a. The PSR currently reads: “Siraj and Hujrah then traveled to London, England to learn how to perform a ruqya...”
- b. The PSR should read: “Siraj and Hujrah then traveled to London, England to learn how to recognize spiritual degradation and to have ruqya performed on them to rectify this spiritual degradation...”

7. Paragraph 15

- a. The PSR currently reads: “Thereafter, Jany and Siraj, accompanied by Hujrah; Subhanah; Lucas; and their combined 11 children ranging in age from approximately 1 to 15 years, drove Abdul-Ghani from Alabama to a rural town called Amalia in northern New Mexico, arriving no later than December 16, 2017”
- b. The PSR should read: “Thereafter, Jany and Siraj drove Abdul-Ghani from Alabama to a rural town called Amalia in northern New Mexico, arriving no later than December 16, 2017. They were accompanied by Hujrah; Subhanah; Lucas; and their combined 11 children ranging in age from approximately 1 to 15 years.”
 - i. This is because there was no evidence that Hujrah Wahhaj drove Abdul-Ghani at any time during this trip. Instead he was driven by others.

8. Paragraph 15

- a. The PSR currently reads: “During their entire time in New Mexico, they deprived Abdul-Ghani of his necessary anti-seizure medication and subjected him to exhausting regimen of spiritual exorcisms or religious rituals performed by Siraj as ordered by Jany.”
- b. The PSR should read: “During the entire time in New Mexico, Abdul-Ghani was deprived of his necessary anti-seizure medication and he was subjected to

exhausting regimen of spiritual exorcisms or religious rituals performed by Siraj as ordered by Jany.”

i. This is because, as written, the Paragraph alleges that all Defendants deprived Abdul-Ghani of his medication, but there was no evidence that Hujrah Wahhaj had any duty or ability to provide medication to the child and therefore could not have deprived him of it.

9. Paragraph 16

- a. The PSR currently reads: “It is noted, the compound consisted of a wooden A-frame covered by tarps under which there was a small partially buried camper and a tunnel, where it appeared the children may have slept, all of which was partially surrounded by a wall of tires...”
- b. The PSR should read: “It is noted, the compound consisted of a wooden A-frame covered by tarps under which there was a small partially buried camper, where it appeared the children may have slept, all of which was partially surrounded by a wall of tires...”
 - i. This is because there was no evidence the children slept in the tunnel, and the tunnel is adequately described later in this Paragraph.

10. Paragraph 22

- a. The PSR currently reads: “The defendants also began speaking of, and preparing for, what they believed was the imminent resurrection of Isa.”
- b. This Paragraph should be omitted, or it should state specifically who was speaking and preparing.

- i. This is because there was no evidence that, in July, Hujrah was speaking and preparing for the resurrection of Isa.

11. Paragraph 28

- a. The PSR currently reads: “In summary, under Jany's direction, Siraj, Hujrah, Subhanah, and Lucas established a small community that was centered on the belief that Abdul-Ghani would return as Isa to pass judgment on corrupt governmental, military, educational, and financial institutions.”
- b. The PSR should read: “In summary, under Jany's direction, Siraj, Hujrah, Subhanah, and Lucas established a small community that was centered on the belief that Abdul-Ghani would return as Isa to pass judgment on all corrupt people who refused to end their corrupt practices once instructed to do so by Isa and/or his followers. Children testified at the trial that Defendants believed corrupt people operated in some governmental, military, educational, and financial institutions.”
 - i. This is because there was no evidence that any of the Defendants believed that there was corruption in all of these institutions, as well as because the evidence at trial established that only those people who continued to behave corruptly would be subject to Isa's judgment.

12. Paragraph 28

- a. The PSR currently reads “Additionally, they spoke of waging jihad and of becoming martyrs.”
- b. The PSR should read: “Additionally, some Defendants spoke of waging jihad and of becoming martyrs, but there was no evidence at trial that Hujrah Wahhaj spoke of these things.”

- i. This is because there was indeed no evidence at trial that Hujrah Wahhaj spoke of these things.

13. Paragraph 31:

- a. "Furthermore, Siraj and Hujrah had traveled to the United Kingdom prior to the taking of Abdul-Ghani for the purpose of learning how to do religious exorcisms or healing rituals."
- b. "Furthermore, Siraj and Hujrah had traveled to the United Kingdom prior to the taking of Abdul-Ghani for the purpose of learning how to recognize their own spiritual corruption and to have their own spiritual corruption cured."
 - i. This is because the true nature of the training in the United Kingdom is better characterized by this description.

Conclusion

In consideration of the foregoing, Hujrah Wahhaj respectfully requests that this Court direct United States Probation to modify the provisions of her PSR in accordance with language described above, and for such other relief the Court deems necessary and proper.

Respectfully Submitted,

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I HEREBY CERTIFY that on the 16th day of February, 2024, I filed the foregoing electronically through the CM/ECF system, which caused all counsel and U.S. Probation to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

/s/Donald F. Kochersberger III

Donald F. Kochersberger III
Attorney for Defendant Hujrah Wahhaj